

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

IN RE: CESSNA 208 SERIES AIRCRAFT)	MDL No. 1721
PRODUCTS LIABILITY LITIGATION)	
)	Case No.: 05-md-1721-KHV
(This document relates to all cases.))	

AMENDED CASE MANAGEMENT ORDER

This Case Management Order shall govern this multi-district litigation as follows:

1. All discovery on individual case issues may continue until remand and after remand until the court on remand determines that it should be concluded.
2. Discovery taken in the MDL, including written discovery and depositions, may be used by any party to any case which has been or which is in the future transferred to the MDL.
3. No party in any case currently pending in the MDL or which is transferred to the MDL in the future shall repeat written discovery or depositions which have already been done in the MDL. Parties in cases currently pending in the MDL or which are transferred to the MDL in the future may propound written discovery or take additional depositions of the same witnesses, limited to new matters only.
4. Expert disclosures made in the MDL on "common MDL issue" expert witnesses shall be binding in all MDL cases.
5. By **July 3, 2008**, defendants shall complete any depositions of plaintiffs' "common MDL issue" expert witnesses.
6. By **July 31, 2008**, defendants shall serve their Fed. R. Civ. P. 26(a)(2) disclosures and reports for their expert witnesses expected to testify on the "common MDL issues."
7. By **September 29, 2008**, plaintiffs shall complete any depositions of defendants' "common MDL issue" expert witnesses.

8. All discovery to be done in the MDL shall close by **October 3, 2008**.

9. A final pretrial conference regarding the "common MDL issues" is scheduled for **2:00 p.m.** on **October 17, 2008** before Magistrate Judge David J. Waxse and will be held by teleconference. The Court will initiate the conference call to counsel identified in the proposed pretrial order at the telephone contact numbers listed on the docket. The parties shall submit via e-mail to the magistrate Judge (but not file with the Clerk's Office) their joint proposed pretrial order by **October 10, 2008**. The proposed pretrial order shall be in the form (revised March 2008) available on the Court's website (www.ksd.uscourts.gov).

10. Potentially dispositive motions (e.g., motions for summary judgment) and motions to exclude testimony of expert witnesses pursuant to Fed. R. Evid. 702-705, *Daubert v. Merrell Dow Pharmaceuticals, inc.*, 509 U.S. 579 (1993), *Kumho Tire Co. v. Carmichael*, 526 U.S. 137 (1999), or similar case law, may be filed by **October 30, 2008**, for consideration in the MDL. Summary judgment motions, as well as motions to exclude testimony of expert witnesses, evidentiary and other individual motions may also be filed in the individual cases in the transferor courts following remand.

11. For cases transferred to the MDL after January 1, 2007, and before April 30, 2008, provided that such defenses have been timely preserved, any motions to dismiss for lack of personal jurisdiction, venue, propriety of the parties, or failure to state a claim upon which relief can be granted shall be filed by **July 31, 2008**.

12. For cases transferred to the MDL after January 1, 2007, and before April 30, 2008, the parties shall serve preliminary witness and exhibit disclosures pursuant to Fed. R. Civ. P. 26(a)(3)(A) and (C) by **July 31, 2008**.¹

¹ Paragraphs 11 and 12 of this Case Management Order shall not apply to *Melo-Ferrer*, D. Kan. No. 07-2511. The Court will set appropriate deadlines for *Melo-Ferrer* after Cessna Finance's pending motion to dismiss is resolved.

IT IS SO ORDERED.

Dated in Kansas City, Kansas on this 17th day of June, 2008.

s/ David J. Waxse
David J. Waxse
United States Magistrate Judge